

APPENDIX B

Methodology

The case review presented in this report originated in a Congressional request for information about ATF's enforcement activities. Specifically, the House and Senate Committees on Appropriations requested ATF to report on trafficking investigations by February 1999 in connection with funding for ATF's Youth Crime Gun Interdiction Initiative (YCGII), the component of ATF's firearms enforcement programs focused on illegal acquisition, possession, and use of guns by youth and juveniles.³⁹

In response, ATF Headquarters requested all ATF Special Agents in Charge to provide information on all firearms trafficking investigations in their respective areas between July 1996 (the commencement date of YCGII) and December 1998 (the end of the last calendar year before February 1999). A survey was sent to each Field Division requesting information for each investigation.

The 23 ATF Field Divisions submitted a total of 1,530 reports on investigations, including ongoing investigations and perfected cases referred for prosecution. Information on 648 investigations involving youth and juveniles were reviewed and provided the basis for a report to Congress on the performance of

YCGII in February 1999.⁴⁰ In this report, ATF and an outside researcher review all 1,530 investigations.⁴¹

This report also reviews the disposition of cases referred by ATF for prosecution. To develop disposition information, ATF, in December 1999, sent supplementary surveys for the 1,530 submitted investigations to the 23 ATF Field Divisions. All surveys were returned to ATF Headquarters by March 15, 2000, for analysis by ATF personnel and outside researchers. Case disposition information was reviewed by outside researchers working with the Bureau of Justice Statistics, which has statutory authority for collecting and maintaining Federal case disposition information.⁴²

³⁹ The Statement of Managers accompanying the 1998 Conference Report stated that: "the conferees believe that the proposed increase in funding must be supported by evidence of a significant reduction in youth crime, gun trafficking, and gun availability. The conferees would like to see additional evidence linking the Youth Crime Gun Interdiction Initiative (YCGII) to a corresponding decrease in gun trafficking among youths and minors. Therefore, the conferees direct ATF to report no later than February 1, 1999 on the performance of YCGII." Conference Report to Accompany H.R. 4328, October 19, 1998.

⁴⁰ See *Youth Crime Gun Interdiction Initiative: Performance Report*. Report to the Senate and House Committees on Appropriations Pursuant to Conference Report 105-825, October 1998. Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms, 1999.

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Use of Surveys

ATF has a developing capacity to gather information from its Field Divisions. The analysis in this report is based on the best information currently available. ATF has conducted two previous case reviews, on gun shows and firearms trafficking.⁴³ These found that the survey methodology used here provided an accurate picture of the working knowledge held by agents involved in the investigations. A random sample of survey responses involving gun show investigations were carefully reviewed and compared to information contained in the investigation files. The investigation files contained a variety of information on the investigation, including a summary of the case, a set of progress reports documenting ATF agent investigative activities, police reports, evidence inventory, interview transcripts, and court documents. The review revealed that the survey responses were accurate when compared to the paperwork documenting the specifics of the gun show investigation. Another sample was drawn from the gun show

investigation data to verify the numbers of firearms reported as trafficked in each investigation.⁴⁴ Based on this review, the estimates of trafficked firearms made by the ATF agents were found to have a reasonable basis. Estimates were based on audits of firearms seized by the agents, firearms purchased by agents during the investigation, reconstruction of dealer records, ATF National Tracing Center crime gun recovery information, admissions by defendants, and information from confidential informants.

In addition, with the assistance of the Department of Justice, Bureau of Justice Statistics' Federal Justice Statistics Program, consistency was established between case disposition and sentencing information in the ATF survey and similar case disposition and sentencing information in automated records maintained by the Executive Office for U.S. Attorneys and the Administrative Office of the U.S. Courts.

What These Data Represent

Because these analyses are based on a survey of ATF special agents reporting information about firearms trafficking investigations, they reflect what ATF encountered and investigated in trafficking investigations. They do not look at the sources of firearms in other ATF investigations, such as investigations of armed career criminals or armed narcotic traffickers. Most importantly, they do not necessarily reflect typical criminal diversions of firearms or the typical acquisition of firearms by youth, juveniles, and adults. Except where noted, the unit of analysis in the review is the investigation itself.

ATF agents and their State and local counterparts gather investigative information to build a case worthy of prosecution, rather than to gather research information. Information generated as part of a criminal investigation, therefore, does not necessarily capture all data about trafficking, trafficking patterns, and the use of trafficked guns in crime. For instance, agents may provide very detailed descriptions of firearms used as evidence in the case but no estimate, much less a detailed description, of all the firearms involved in the trafficking enterprise. Thus, in general, agents did not provide enough consistent and specific infor-

⁴³ See US Department of Treasury and US Department of Justice, 1999. *Gun Shows: Brady Checks and Crime Gun Traces*. Washington, DC: US Department of Treasury and US Department of Justice.

⁴⁴ See US Department of Treasury and US Department of Justice, 1999. *Gun Shows: Brady Checks and Crime Gun Traces*. Washington, DC: US Department of Treasury and US Department of Justice.

mation to determine the number of handguns, rifles, and shotguns trafficked in a particular investigation. There may also be little information in the case file on the degree to which trafficked firearms were subsequently used in crime. This is primarily because comprehensive tracing of crime guns does not exist nationwide and, until the practice was initiated in 17 cities through the Youth Crime Gun Interdiction Initiative in 1996, even major cities did not trace all recovered crime guns. Figures on new, secondhand, and stolen firearms only reflect the number of investigations in which the traffickers were known to deal in these kinds of weapons. Figures on stolen firearms are subject to the usual problems associated with determining whether a firearm has been stolen, due to the fact that most gun owners do not report stolen firearms to the police. Such limitations apply to much of the data collected in this research.

Even the investigative data reported in the survey has limitations, because the review analyzes information both from investigations referred for prosecution and adjudicated, and from investigations not yet referred for prosecution. One third of the investigations were reported by the agents as fully adjudicated (514 of 1,530). Not all violations described will necessarily be charged as crimes or result in convictions, and case agents at the time of the survey might not know the exact number of offenders in the investigation, the numbers and types of firearms involved, and the types of crimes associated with recovered firearms. Some information may have been underreported. For example, it is likely that the number of firearms involved in the investigations could increase, as could the number and types of violations, as more information is uncovered by agents working the investigations.